

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HARVEY MIGUEL ROBINSON, JR.

Plaintiff,

v.

**PENNSYLVANIA DEPARTMENT OF
CORRECTIONS, DR. DENISE DANIEL
(f/k/a DENISE SMYTH), and
NURSE LORI SCHULTZ
(f/k/a LORI RIDINGS)**

Defendants.

CIVIL ACTION NO. 20-2978

ORDER

AND NOW, this 26th day of March 2024, upon consideration of Defendants Dr. Denise Daniel (f/k/a Denise Smyth) and Nurse Lori Schultz's, CRNP (f/k/a Lori Ridings) (collectively, the "Medical Defendants") Motion for Summary Judgment [Doc. No. 73], Defendant Pennsylvania Department of Corrections' ("DOC") Motion for Summary Judgment [Doc. No. 74], and the responses and replies thereto, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendants' Motions are **GRANTED in part** and **DENIED in part** as follows:

1. Summary Judgment is **GRANTED** as to Plaintiff's adequacy of care and retaliation claims against the Medical Defendants, brought under § 1983, on the basis of withholding or refusing to prescribe pain medications.
2. Summary Judgment is **DENIED** as to Plaintiff's adequacy of care and retaliation claims against the Medical Defendants on the basis of discontinuing his wheelchair access.
3. Summary Judgment is **GRANTED** as to Plaintiff's ability to pursue punitive damages for his claim under the Americans with Disabilities Act and Rehabilitation Act ("ADA" and "RA") against the DOC.

4. Plaintiff's claim challenging the DOC's accommodation policy under the ADA and RA is **DISMISSED** for lack of jurisdiction.

5. Summary Judgment is **DENIED** in all other respects as to Plaintiff's claim against the DOC under the ADA and RA.

It is further **ORDERED** that on or before **April 10, 2024**, the parties, through counsel, shall jointly report to the Court, in writing, as to whether they wish to have a settlement conference before a magistrate judge and, if so, indicate by what date they will be prepared to commence such proceedings. This joint report should not be filed of record but submitted to Chambers by email to Chambers_of_Judge_Cynthia_M_Rufe@paed.uscourts.gov.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.